

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W.R. GRACE & CO., <u>et al.</u> ,)	Case No. 01-1139 (JKF)
)	Jointly Administered
Debtors.)	Related to Docket No. _____
_____)	Hearing Date: May 19, 2008
)	Agenda Item No. _____

**ORDER DECLARING THAT (i) THE AUTOMATIC STAY DOES NOT APPLY
TO FILING OF PROPOSED THIRD PARTY COMPLAINT OF MIAN
REALTY, LLC AGAINST DEBTOR; AND (ii) DEBTOR'S OBLIGATION
TO CLEANUP CERTAIN REAL PROPERTY DOES NOT
CONSTITUTE A CLAIM UNDER THE BANKRUPTCY CODE**

THIS MATTER having been opened to this Court upon the Motion of Mian Realty, LLC ("Mian") for entry of an Order Declaring that (i) the Automatic Stay Does Not Apply to the Filing of Its Proposed Third Party Complaint Against Debtor; and (ii) Debtor's Obligation to Cleanup Certain Real Property Does Not Constitute a Claim Under the Bankruptcy Code (the "Motion"); due notice hereof having been given; a hearing hereon having been held; this Court having considered the papers, having heard arguments of counsel, and having found that cause exists for the entry of this Order; it is hereby

ORDERED that the automatic stay does not apply to the proposed Third Party Complaint, a copy of which is attached to the Motion, to be filed by Mian against W.R. Grace & Co. ("Debtor") in the matter captioned Litgo New Jersey, Inc., et al., v. Jackson, Civil Action No. 06-2891 (AET) (TB), pending in the United States District Court for the District of New Jersey (the "District Court").

ORDERED that insofar as the District Court finds that Debtor has an obligation under the New Jersey Environmental Rights Act, N.J.S.A. 2A:35A-1 *et seq.*, to cleanup the real

property located at 6 Kirby Avenue, Somerville, New Jersey, such obligation does not constitute a claim under the Bankruptcy Code in Debtor's bankruptcy case.

Dated: May ____, 2008

THE HONORABLE JUDITH K. FITZGERALD
U.S. BANKRUPTCY JUDGE

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